

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)



PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.		
Permit No. 1219-00-0005.1 (Waterfront Development) 1219-00-0005.2 (Coastal Wetlands) 1219-00-0005.3 (Freshwater Wetlands Individual)		Application No.
Issuance Date JAN 08 2006	Effective Date JAN 09 2007	Expiration Date JAN 09 2006
Name and Address of Applicant New Jersey Dept. Of Transportation 1035 Parkway Ave. P.O. Box 600 Trenton, NJ 08625	Name and Address of Owner	Name and Address of Operator
Location of Activity/Facility Route 9, Edison Bridge Sayreville & Woodbridge Middlesex County, New Jersey Lot: <u>na</u> Block : <u>na</u>	Issuing Division Land Use Regulation Program	Statute(s) N.J.S.A. 12:5-3 N.J.S.A. 13:9A N.J.S.A. 13:9B N.J.S.A. 58:10A
Type of Permit Waterfront Development Coastal Wetlands Freshwater Wetlands Individual Water Quality Certificate	Maximum Approved Capacity, if applicable	
This permit grants permission to: Remove the Route 9, Edison Bridge deck and superstructure, modify the existing pier, replace the existing bulkhead on the north shore of the Raritan River with a steel sheet-piling bulkhead, replace, in-kind, the existing timber fender system and construct temporary structures associated with access, such as a trestle bridge and pile supported platforms. This permit allows for the following impacts: <ul style="list-style-type: none"> - The permanent impact 0.01 of an acre of State open waters - The temporary impact 0.78 of an acre of State open waters - The temporary impact 0.054 of an acre of freshwater wetlands - The temporary impact 0.84 of an acre of coastal wetlands <p>This permit is authorized under, and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq.</p> <p>By this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.</p> <p>Prepared By: <u><i>Katrina Wessling</i></u> Katrina Wessling</p> <p>(See page 10 for Director's signature.)</p>		
Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Date _____	

*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

This permit is subject to the following general conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consents when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ON PAGE TWO OF THIS PERMIT, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

9. Limit and Extent of Approval

- a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
- b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until the Department has granted a new approval.

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

ADDITIONAL CONDITIONS

1. The permittee is responsible for obtaining all necessary approvals from any applicable agencies, including but not necessarily limited to the Freehold Soil Conservation District Office, and the United States Army Corps of Engineers.
2. Any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants.
3. Any spoils must be disposed of in accordance with applicable Federal, State and local regulations.
4. The permittee will prepare a soil erosion and sediment control plan, in accordance with the most recent version of Standards for Soil Erosion and Sediment Control in New Jersey, for approval by the Freehold Soil Conservation District (FSCD) prior to the start of construction. It should be noted that NJDOT typically self certifies Soil Erosion and Sediment Control plans for their projects, but has stated in their application report that they will submit their plans to FSCD.
5. In order to protect the anadromous fishery resource species within the Raritan River, any proposed grading or construction activities within the channel of the river are prohibited between March 1 and June 30 of each year. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
6. In order to protect the endangered species, the Peregrine falcon (*Falco Peregrinus*), which have been observed in the project area, a survey must be conducted, by experienced biologists, during the breeding season prior to construction to confirm that there are no nesting peregrine falcons in the project area.
7. The permittee must contact the New Jersey Geodetic Control Survey 60 days prior to the disturbance of any Geodetic Control Mark.
8. Pursuant to 7:7E-3.41(c), the appropriate approvals from the Division of Hazardous Waste Management shall be obtained prior to the commencement of any hazardous substance investigation or disturbance.
9. The permittee shall adhere to the stipulations and conditions as stated in the Memorandum of Agreement Between the Federal Highway Administration and the New Jersey Historic Preservation Officer, Submitted to the Advisory Council on Historic Preservation Pursuant to 36CFR800.5(e)(4), Regarding the Route 9, Section 25K and 1F; Route 9, Section 1M; Route 9, Section 25L; and Route 9 and 35, Section 25C Rehabilitation of Edison Bridge over the Raritan River, Sayreville Borough and Woodbridge Township, Middlesex County, New Jersey, as accepted by the Council on November 4, 1997.
10. Pursuant to the Rules on Coastal Zone Management, the permittee must provide public access to the Raritan River. Within 60 days of receipt of this permit, the permittee shall submit either:

a). a design plan for a boat ramp, to be constructed, as part of this project, to provide access to the Raritan River, thereby fulfilling this requirement.

OR

b). a statement, which describes in detail the reasons that a boat ramp is infeasible and an alternate proposal to provide public access in accordance with 7:7E-8.11 *Public Access to the Waterfront*.

11. Approvals must be obtained from the Division of Responsible Party Site Remediation for the reuse or handling of any contaminated soils.
12. If any dewatering/reinjection activities are proposed, a detailed description of a dewatering/reinjection process must be submitted to the Division of Responsible Party Site Remediation prior to the commencement of such a process.
13. The permittee must submit a construction plan and schedule to the U.S. Coast Guard for review and comment prior to the start of construction.
14. Issuance of this permit does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. Therefore, if they have not already done so, the permittee is required to obtain a Tidelands Instrument for the property prior to the start of construction.
15. The drawings hereby approved are eighteen (18) sheets prepared by Louis Berger & Associates, Inc. and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, WETLANDS PLANS, RT. U.S. 9 (1953) SECTION 1M”, Sheet W-1 through W-12.

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, GENERAL PLAN & ELEVATION – I, ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet B1

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, GENERAL PLAN & ELEVATION – II, ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet B2

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, GENERAL PLAN & ELEVATION – III, ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet B3

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, GENERAL PLAN & ELEVATION – IV, ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet B4

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, FIGURE III-2 BULKHEAD CONSTRUCTION/REPLACEMENT, ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet 4.6-9

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, FIGURE III-3 FENDER RECONSTRUCTION (IN IN-KIND REPLACEMENT), ROUTE 9 SECTION 1M, SAYREVILLE BOROUGH & WOODBRIDGE TOWNSHIP, MIDDLESEX COUNTY”, Sheet 4.6-8

Project specific Wetland Mitigation Conditions

The following special conditions must be met for the activity to be authorized under these permits:

1. Mitigate for the loss of **0.79** of an acre of State open waters, **0.84** of an acre of emergent coastal wetlands, **0.047** of an acre of emergent freshwater wetland, and **0.007** of an acre of freshwater wetland swale, for a **total of 1.694 acres**, through either an on-site or off-site creation, restoration or enhancement project as detailed in condition number 3 below or through the purchase of mitigation credits as detailed in condition 2 below.
2. Purchase credits from the Mitigation Bank as detailed below.
 - a) The permittee must submit proof of the purchase of mitigation credits to Virginia Kop’Kash, from the Land Use Regulation Program, before the authorized construction may begin. If the permittee waits more than sixty days to make that purchase she/he must first contact Virginia Kop’Kash, from the Land Use Regulation Program at (609) 777-0454 to determine if the mitigation credits are still available for sale.
3. For an on-site or off-site individual mitigation project the permittee must submit a mitigation proposal to the Land Use Regulation Program, to create, enhance or restore an area of freshwater wetlands of equal ecological value to those, which will be lost by the authorized activity for review and approval. Attached to this permit is a list of the necessary information that must be included in that on-site or off-site mitigation proposal. If the permittee is proposing to construct a wetland creation or restoration project, two acres of creation or restoration must be performed for each acre disturbed and the mitigation area must, in addition to this, include a 50 foot transition area. The slope of the created transition area must be fairly flat and therefore have a slope no greater than 10:1. If the permittee is proposing to construct a wetland enhancement project, the ratio of wetlands enhanced to wetlands disturbed shall be sufficient to replace loss of ecological value from the permitted project and shall be approved by the Program. The following conditions and information must be adhered to when performing mitigation off-site.

- a) Submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.
- b) Once the Program has approved the conceptual plan of the mitigation project the permittee must submit a final design of the mitigation project and include all the items listed on the attached on-site/off-site mitigation proposal checklist.
- c) The mitigation project must be conducted prior to or concurrent with the construction of the approved project.
- d) In accordance N.J.A.C. 7:7A-14.1, obtain a secured bond, or other financial surety acceptable to the Department including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of the construction. In addition, financial surety to assure the success and maintenance of the mitigation project shall be posted in an amount equal to 30 percent of the estimated cost of construction. The Department will review the financial surety annually and the permittee shall adjust the surety to reflect current economic factors. Please be advised if a governmental body is performing the mitigation the need for financial assurance is waived.
- e) The permittee shall complete and sign the Department approved conservation restriction for the mitigation site (copy attached). The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.
- f) The permittee shall notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction of the wetland mitigation project for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Program.
- g) Immediately following final grading of the site, a disc must be run over the site to eliminate compaction.
- h) Immediately following the final grading of the mitigation site and prior to planting, the permittee shall notify the Program for a post-grading construction meeting between the permittee, contractor, consultant and the Program.
- i) Immediately following final grading and planting of the wetland mitigation project, the permittee shall notify the Land Use Regulation Program, in writing that the construction of the mitigation project has been completed in accordance with the approved plan. In addition to the notice, the permittee shall submit as built plans of the site and photos with a photo location map of the completed project.
- j) The permittee shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing, cutting, dumping and draining of the property is prohibited. The sign must also state the name of the engineering/environmental firm that designed and constructed the mitigation site with a phone number. In addition, the permittee shall visibly mark/staked (oak stakes) the extent of the wetland mitigation area and ensure the stakes remain that way for the entire monitoring period with the location of those stakes shown on the as built plan.

- k) If the Program determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Program until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan and all soil has been stabilized and there is no active erosion.
- l) The permittee shall monitor the wetland mitigation project for 5 full growing seasons if it is a proposed forested wetland and for 3 full growing seasons for a scrub/shrub or emergent wetland after the mitigation project has been constructed. The permittee shall submit monitoring reports to the Land Use Regulation Program no later than November 15th of each monitoring year (All monitoring report must include the standard items identified in the attachment and the information requested below).
- m) All monitoring report will include all the following information (see attached monitoring report checklist):
- i. The monitoring reports submitted prior to the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
 - ii. The monitoring reports submitted prior to the final one must include documentation that the site is progressing towards the 85 percent survival and percent areal coverage of mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. If the permittee is finding problems with the mitigation project and does not anticipate the site will or has achieved the 85 percent survival and 85 percent areal coverage criteria then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;
 - iii. Documentation to demonstrate the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose). If the site is more than 10 percent occupied by invasive or noxious species then the monitoring report must include a proposed remediation plan and a time frame in which it will be completed.

iv. Demonstrate through soil borings and a soil test that a minimum six inch layer of top-soil or A-Horizon was used/retained on the mitigation site and if the natural top-soil was used at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials. If the site fails to meet this standard the monitoring report must include a proposed remediation plan and a time frame in which it will be completed. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil; and

v. The monitoring reports submitted prior to the final report must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

n) Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Program will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows acres of emergent/scrub shrub/forested wetlands have been created/restored/enhanced;

ii. The site has an 85 percent survival and 85 percent areal coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan;

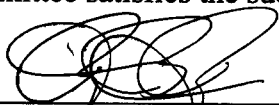
iii. The site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed grass), *Pueraria montana* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrowed leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rose);

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. That the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when

appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period.

- o) All remaining financial surety, if required, will be released concurrent with the Program notifying the permittee that the mitigation project is a success.
- p) If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Program until such time that the permittee satisfies the success criteria as stipulated in item (m).



RHK Richard H. Kropp, Director,
Land Use Regulation Program

1/9/01

Date